

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TQ DELTA, LLC,	)	
	)	
Plaintiff,	)	C.A. No. 13-cv-1835-RGA
	)	
v.	)	
	)	
2WIRE, INC.,	)	
	)	
Defendant.	)	

**PLANTIFF’S MOTION FOR LEAVE TO FILE A FOURTH AMENDED COMPLAINT**

Plaintiff TQ Delta, Inc., pursuant to Fed. R. Civ. P. 15(a)(2) and 16(b), hereby respectfully requests leave to amend its Third Amended Complaint (D.I. 380) and to file the attached [Proposed] Fourth Amended Complaint to add a claim for post-suit willful infringement against Defendant 2Wire, Inc. Due to newly obtained information in the Supplemental Expert Report of 2Wire’s expert, Dr. Walker, regarding source code as well as information obtained during the April 11, 2019 deposition of Dr. Walker, it has become clear that 2Wire has been, and continues to remain, willfully blind to its infringement of the ‘881 Patent. As described in the memorandum herein, as well as set forth in the Fourth Amended Complaint attached hereto, 2Wire’s subjective intent and post-complaint conduct support TQ Delta’s claim for willful infringement. In view of the Third Circuit’s liberal policy in favor of allowing amendment and the absence of factors that could potentially weigh against such amendment, TQ Delta respectfully request the Court to grant the present motion.

**AVERMENT OF COUNSEL REGARDING MEET AND CONFER**

Pursuant to Del. L. R. 7.1.1., on April 15, 2019, counsel and Delaware counsel for TQ Delta and 2Wire, had a teleconference to discuss the matters set forth in this motion. Despite reasonable efforts, the parties were unable to reach an agreement.

Dated: April 15, 2019

Respectfully submitted,

FARNAN LLP

/s/ Michael J. Farnan

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